THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

Writ Petition No.26919 of 2006

Dated 12-03-2007

Between:
M.Kondraju

…Petitioner

And

The Government of A.P. rep. by its
Principal Secretary, and others

…Respondents

THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

Writ Petition No.26919 of 2006

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ORDER:

The term of the Managing Committee of the Penugonda Consumers' Cooperative Stores Limited, expired some time in the year 2006. The Functional Registrar, i.e. the District Collector, issued proceedings dated 13-11-2006, appointing the 3rd respondent as the Election Officer. The election schedule was also issued, which was to commence on 10-12-2006, and closed by 29-12-2006. The nominations were filed, and before further steps could be taken, the 1st respondent issued directions, staying the election, through memo dated 21-12-2006. The same is challenged in this writ petition.

Learned counsel for the petitioner submits that there was absolutely no basis for the 1st respondent to stay the election, which was proceeding in accordance with the A.P. Co-operative Societies Act and the Rules made thereunder.

Learned Government Pleader for Co-operation, on the other hand, submits that the 1st respondent intended to examine the representation made by the 4th respondent, and no exception can be taken to the impugned memo.

While admitting the writ petition, this Court passed an interim order, suspending the memo dated 21-12-2006, and directing that the election shall proceed from the stage, at which it was stopped. The declaration of results, however, was stayed.

Even assuming that there exist any irregularities in the election process, the aggrieved party can certainly assail the election of the successful candidates by filing the election petition. It is only where extraordinary circumstances exist, that the election process can be stalled, halfway through. The record does not disclose that any such factors are present in the instant case.

Hence, the writ petition is disposed of, directing that the results of the election to the Managing Committee of the Penugonda Consumers' Co-operative Stores Ltd., shall be declared. It shall be open to the aggrieved parties to work out their remedies in accordance with law. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.12-03-2007.

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